

ARLENE B. MAYERSON (SBN 79310)
amayerson@dredf.org

LARISA CUMMINGS (SBN 131076)
lcummings@dredf.org

**DISABILITY RIGHTS EDUCATION
AND DEFENSE FUND, INC.**

Ed Roberts Campus
3075 Adeline Street, Suite 210
Berkeley, CA 94703
Tel: +1.510.644.2555
Fax: +1.510.841.8645

[ADDITIONAL COUNSEL LISTED
ON NEXT PAGE]

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

STUDENT A, by and through PARENT A, her
guardian; STUDENT B, by and through
PARENT B, his guardian; STUDENT C, by and
through PARENT C, his guardian; and
STUDENT D, by and through PARENT D, her
guardian, each one individually and on behalf of
all other similarly situated children,

Plaintiffs,

v.

THE BERKELEY UNIFIED SCHOOL
DISTRICT and THE BOARD OF EDUCATION
OF THE BERKELEY UNIFIED SCHOOL
DISTRICT,

Defendants.

Case No. 3:17-cv-02510-JST

**STIPULATION AND [PROPOSED]
SCHEDULING ORDER REGARDING
CLASS CERTIFICATION DEADLINES**

Current Hearing:

Date: April 11, 2019
Time: 2:00 p.m.
Courtroom: 9, 19th Floor
Judge: Hon. Jon S. Tigar

Proposed Hearing:

Date: August 22, 2019
Time: 2:00 p.m.
Courtroom: 9, 19th Floor
Judge: Hon. Jon S. Tigar

Action Filed: May 2, 2017

1 DEBORAH JACOBSON (SBN 278104)
2 *djacobson@jacobsoneducationlaw.com*
3 RAMA AH SADASIVAM (SBN 267156)
4 *rsadasivam@jacobsoneducationlaw.com*
5 **JACOBSON EDUCATION LAW, INC.**
6 1919 Addison Street, Suite 105
7 Berkeley, CA 94704
8 Tel: +1.510.647.8125
9 Fax: +1.510.280.9340

10 BRENDAN E. RADKE (SBN 275284)
11 *bradke@goodwinlaw.com*
12 ANJALI MOORTHY (SBN 299963)
13 *amoorthy@goodwinlaw.com*
14 **GOODWIN PROCTER LLP**
15 Three Embarcadero Center
16 San Francisco, CA 94111
17 Tel: +1.415.733.6000
18 Fax: +1.415.677.9041

19 SHANE BRUN (SBN 179079)
20 *sbrun@venable.com*
21 **VENABLE LLP**
22 101 California Street, Suite 3800
23 San Francisco, CA 94111
24 Tel: +1.415.653.3731
25 Fax: +1.415.653.3755

26 *Attorneys for Plaintiffs*

27 MARK POSARD (SBN: 208790)
28 *mposard@grsm.com*
BEATRIZ BERUMEN (SBN: 271249)
bberumen@grsm.com
GORDON & REES SCULLY MANSUKHANI LLP
655 University Avenue, Suite 200
Sacramento, CA 95825
Telephone: (916) 565-2900
Facsimile: (916) 920-4402

Attorneys for Defendants

1 Plaintiffs Student A, B, C, and D (collectively, "Plaintiffs") and Defendants The Berkeley
2 Unified School District and The Board of Education of Berkeley Unified School District
3 (collectively, "Defendants"), by and through their respective counsel, HEREBY STIPULATE and
4 AGREE as follows:

5 WHEREAS, on November 9, 2017, the Court referred this litigation to a settlement
6 conference before a magistrate judge (Dkt. 82), and the case was assigned to the Hon. Laurel
7 Beeler for settlement;

8 WHEREAS, on March 27, 2018, the parties engaged in a settlement conference
9 with Judge Beeler, but did not resolve their dispute at that time, agreeing to attend a second
10 settlement conference and to an informal stay of discovery pending the second conference;

11 WHEREAS, on April 13, 2018, the parties and the Court participated in a
12 telephone case management conference (Dkt. 97);

13 WHEREAS, on April 16, 2018, the parties' second settlement conference with
14 Judge Beeler was set for June 6, 2018;

15 WHEREAS, on April 17, 2018, the Court issued a scheduling order (Dkt. 98),
16 establishing December 6, 2018, at 2:00 p.m. as the hearing on Plaintiffs' class certification motion,
17 with the opening brief being due October 5, 2018, opposition brief being due October 26, 2018,
18 and reply brief being due November 9, 2018;

19 WHEREAS, on May 22, 2018, Judge Beeler rescheduled the June 6 settlement
20 conference due to an unanticipated conflict (Dkt. 100), setting the conference for June 29, 2018
21 (Dkt. 101);

22 WHEREAS, on June 22, 2018, Judge Beeler rescheduled the June 29, 2018
23 settlement conference to October 9, 2018 (Dkt. 102);

24 WHEREAS, on September 20, 2018, the Court signed the parties' Stipulation and
25 [Proposed] Order, resetting the deadlines with respect to Plaintiffs' class certification motion (Dkt.
26 105);

27 //

28 //

1 WHEREAS, on October 9, 2018, the parties engaged in a settlement conference
2 with Judge Beeler, but did not resolve their dispute at that time, agreeing to attend a third
3 settlement conference;

4 WHEREAS, on October 12, 2018, Judge Beeler set the third settlement conference
5 for December 12, 2018 (Dkt. 107);

6 WHEREAS, on December 12, 2018, the parties engaged in a settlement conference
7 with Judge Beeler, but did not resolve their dispute at that time, agreeing to attend a fourth
8 settlement conference;

9 WHEREAS, on December 12, 2018, Judge Beeler set a fourth settlement
10 conference for February 28, 2019, along with a schedule for the exchange of materials and drafts
11 of the parties' settlement proposal (Dkt. 109);

12 WHEREAS, the parties have conferred and have agreed that, in light of the
13 unanticipated continuance of the settlement conference to February 28, 2019, which is twenty (20)
14 days after Plaintiffs' opening brief on their class certification motion is due, the current class
15 certification deadlines should be continued for a period of four months to allow settlement
16 discussions to continue;

17 NOW, THEREFORE, the parties stipulate and propose the following scheduling order
18 pertaining to Plaintiffs' Motion for Class Certification:

19 1. The time for Plaintiffs to file their opening brief in support of the motion shall be
20 June 21, 2019.

21 2. The time for Defendants to file their brief in opposition to the motion shall be July
22 12, 2019.

23 3. The time for Plaintiffs to file their reply brief in support of the motion shall be July
24 26, 2019.

25 4. The date of the hearing shall be set for August 22, 2019.

26 //

27 //

28 //

1 **SO STIPULATED**

2 DATED: December 31, 2018

Respectfully submitted,

3 By: /s/ Larisa Cummings

4 ARLENE B. MAYERSON (SBN 79310)

amayerson@dredf.org

LARISA CUMMINGS (SBN 131076)

lcummings@dredf.org

6 **DISABILITY RIGHTS EDUCATION
AND DEFENSE FUND, INC.**

Ed Roberts Campus

3075 Adeline Street, Suite 210

Berkeley, CA 94703

Tel: +1.510.644.2555

9 Fax: +1.510.841.8645

10 By: /s/ Deborah Jacobson

11 DEBORAH JACOBSON (SBN 278104)

djacobson@jacobsoneducationlaw.com

12 RAMAAH SADASIVAM (SBN 267156)

rsadasivam@jacobsoneducationlaw.com

13 **JACOBSON EDUCATION LAW, INC.**

1919 Addison Street, Suite 105

Berkeley, CA 94704

15 Tel: +1.510.647.8125

16 Fax: +1.510.280.9340

17 By: /s/ Brendan Radke

18 BRENDAN E. RADKE (SBN 275284)

bradke@goodwinlaw.com

19 ANJALI MOORTHY (SBN 299963)

amoorthy@goodwinlaw.com

20 **GOODWIN PROCTER LLP**

Three Embarcadero Center

San Francisco, CA 94111

21 Tel: +1.415.733.6000

22 Fax: +1.415.677.9041

23 By: /s/ Shane Brun

24 SHANE BRUN (SBN 179079)

sbrun@venable.com

25 **VENABLE LLP**

101 California Street, Suite 3800

San Francisco, CA 94111

26 Tel: +1.415.653.3731

27 Fax: +1.415.653.3755

28 *Attorneys for Plaintiffs*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

By: /s/ Beatriz Berumen
MARK POSARD (SBN: 208790)
mposard@grsm.com
BEATRIZ BERUMEN (SBN: 271249)
bberumen@grsm.com
GORDON & REES SCULLY MANSUKHANI LLP
655 University Avenue, Suite 200
Sacramento, CA 95825
Telephone: (916) 565-2900
Facsimile: (916) 920-4402

Attorneys for Defendants

1 **[PROPOSED] SCHEDULING ORDER**

2 The Court hereby extends the following case deadlines:

3

Event	Current Deadline	New Deadline
Class certification motion due	February 8, 2019	June 21, 2019
Class certification opposition due	March 1, 2019	July 12, 2019
Class certificate reply due	March 15, 2019	July 26, 2019
Hearing on class certification motion	April 11, 2019	August 22, 2019

4
5
6
7
8

9 Counsel may not modify these dates without leave of court. The parties shall comply with
10 the Court's standing orders, which are available at cand.uscourts.gov/jstorders.

11 **IT IS SO ORDERED.**

12 Dated: January 3, 2019

13
14 
15 _____
16 JON S. TIGAR
17 United States District Judge
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CIVIL L.R. 5-1 ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained from each of the other Signatories.

/s/ *Brendan Radke*